



PUBLIC NOTICE

Federal Communications Commission
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DA 10-461
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PLEADING CYCLE ESTABLISHED FOR COMMENTS ON GLOBAL NAPS PETITION FOR DECLARATORY RULING AND FOR PREEMPTION OF THE PENNSYLVANIA, NEW HAMPSHIRE AND MARYLAND STATE COMMISSIONS

WC Docket No. 10-60

COMMENTS DUE: April 2, 2010
REPLY COMMENTS DUE: April 12, 2010

On March 5, 2010, Global NAPS, Inc., Global NAPS Pennsylvania, Inc., Global NAPS South, Inc. and other Global NAPS affiliates (collectively Global) sought declaratory rulings pursuant to section 1.2 of the Commission's rules "to guide state commissions and federal courts in resolving actual controversies between Global and several local exchange carriers ('LECs') regarding the tariff treatment of Voice over Internet Protocol ('VoIP') traffic terminated to end users of interconnected LECs through Global."¹ Specifically, Global seeks clarification that: (1) federal law prohibits state commissions from subjecting VoIP traffic to intrastate tariffs; (2) once a carrier's traffic has been determined to be primarily nomadic VoIP, the remainder of its traffic must be treated as interstate absent clear proof of purely in-state calls; (3) Local Exchange Routing Guides (LERGs) are not a reliable proxy for determining the true geographic point of origination of a call, and thus cannot be utilized to prove the applicability of intrastate tariffs to VoIP calls; and (4) connecting carriers forwarding VoIP traffic are not subject to interstate switched access charges, and are also immune from intrastate access charges.² Alternatively, Global requests an order preempting certain actions by state commissions in Pennsylvania, New Hampshire, and Maryland that Global claims encroach upon the Commission's jurisdiction while simultaneously hampering the provision of interstate services.

Interested parties may file comments on the Global Petition on or before **April 2, 2010** and reply comments on or before **April 12, 2010**. Filings in this proceeding should be captioned "Global NAPS Petition for Declaratory Ruling and Alternative Petition for Preemption of the Pennsylvania, New Hampshire and Maryland State Commissions" and filed in WC Docket No. 10-60.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Douglas Slotten, Federal Communications

¹ 47 C.F.R. § 1.2; Petition for Declaratory Ruling and Alternative Petition for Preemption of the Pennsylvania, New Hampshire and Maryland State Commissions, WC Docket No. 10-60, at 1 (filed Mar. 5, 2010) (Petition).

² *Id.*

Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A233, Washington, DC 20554 or via e-mail at douglas.slotten@fcc.gov. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
Parties are strongly encouraged to file comments electronically using the Commission's ECFS.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating

contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpweb.com.

This Public Notice establishes certain procedural requirements relating to consideration of the petition. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.³ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁴ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.⁵

For further information, contact Douglas Slotten of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at douglas.slotten@fcc.gov.

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³ See 47 C.F.R. §§ 1.1200, 1.1206.

⁴ See 47 C.F.R. § 1.1206(b).

⁵ See *id.*